

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

VAN DUNN,

Petitioner,

v.

CIVIL ACTION NO. 5:05-cv-00245

WARDEN MARTY ANDERSON,

Respondent.

MEMORANDUM OPINION AND ORDER

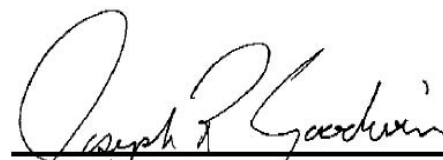
Pending before the court is the petitioner's petition under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody. This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's § 2241 petition as moot.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **DENIES** the petitioner's § 2241 petition as moot.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: February 14, 2006

A handwritten signature in black ink, appearing to read "Joseph R. Goodwin", is written over a horizontal line.

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE